IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

AR.No. 10 of 2004()
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APPLICANT
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SHRI.JAYAN N.MATHEWS,
RAILWAY CONTRACTOR, NELLIKKARA THEAKADATH HOUSE,
PARAPPILLY ROAD, THRIPUNITHURA.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS: OPPOSITE PARTY
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THE CHIEF ENGINEER, SOUTHERN RAILWAY,
HEAD QUARTERS OFFICE, GENERAL BRANCH,
CHENNAI-600 003.

BY ADV. SRI.M.C.CHERIAN,SR.SC.,RAILWAYS

THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**THOTTATHIL B.RADHAKRISHNAN, J.**

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A.R.No.10 OF 2004

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Dated this the 30th day of November, 2007

**O R D E R**

Many of the issues raised in this Arbitration Request, on questions of law and jurisdiction, are concluded by the decision of the Full Bench, rendered in this case. The matter stands remitted for consideration of the further issues. As of now, the parties have agreed that they shall go for arbitration and that Sri.P.K.Sanal Kumar, Senior Divisional Signal and Telecommunication Engineer, Southern Railway, Trivandrum shall be the Arbitrator. It will be open to the Arbitrator to fix the venue of the arbitration, including by considering the request of the petitioner that the venue can be at Ernakulam. It is further clarified that this order does not contain any direction in that regard.

In the result, this Arbitration Request is allowed appointing Sri.P.K.Sanal Kumar, Senior Divisional Signal and Tele-communication Engineer, Southern Railway, Trivandrum as the

Arbitrator to enter on reference on the basis of the agreement in hand and in accordance with the provisions of the Arbitration and conciliation Act, 1996. The Arbitrator will make an endeavour to dispose of the matter as expeditiously as possible.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN,**
**Judge**

kkb.